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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DEEP FOODS, INC.,

Plaintiff,

v.

AMEYA PREMAL USA INC., PREMAL
P. PAREKH and RESHMA P. PAREKH,

Defendants.

CIVIL ACTION NO. 05-CV-3881 (FLW)

CONSENT JUDGMENT

Plaintiff, having brought this action for, among other things, trademark infringement, and for related causes against Defendants, and being so agreed by and between Plaintiff and Defendants, it is hereby

ORDERED AND ADJUDGED THAT:

1. This Court has subject matter jurisdiction over this action, under the provisions of 15 U.S.C. § 1121, 28 U.S.C. § 1331 and 28 U.S.C. § 1367, and has personal jurisdiction over the Defendants. Venue is properly laid in this judicial district.

2. Plaintiff, Deep Foods, Inc., is the owner of all right and title in and to the trademark MIRCH MASALA in respect of "potato chips, plantain chips, processed beans and garbanzo beans, peas, lentils" which is the subject of U.S. Trademark Registration No.

2,153,991. Said Trademark Registration for MIRCH MASALA is valid and subsisting, and incontestable.

3. Plaintiff is the owner of all right and title in and to the trademark MIRCH MASALA in respect of "prepared foods, namely frozen entrees consisting primarily of vegetables and frozen entrees consisting primarily of rice and/or pasta" which is the subject of U.S. Trademark Application Serial No. 78/641,053.

4. Defendants, their agents, servants, employees, successors and assigns and all persons in active concert, privity or participation with Defendants who have actual notice of this Order, are permanently enjoined from directly or indirectly producing, vending, distributing, selling, offering for sale, displaying, promoting or advertising and from offering or causing others to produce, vend, distribute, sell, offer for sale, display, promote or advertise any products or services under the trademark MIRCH MASALA or any mark confusingly similar to the federally registered trademark MIRCH MASALA.

5. Defendants shall immediately notify in writing their officers, owners, agents, servants, employees and all persons in active concert, privity and participation with Defendants of the existence and terms of this Order as well as their duty to abide by the injunction incorporated in this Order.

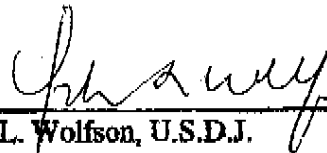
6. Plaintiff and Defendants having settled the matter of damages, profits, costs and attorneys' fees between them, pursuant to a Settlement Agreement, this Consent Judgment is entered without any monetary award or damages to any party to this action and without taxation of costs or attorneys' fees.

7. This Consent Judgment shall be deemed to have been served upon Defendants at the time of its execution by this Court.

8. This Court will retain jurisdiction over Plaintiff and Defendants for purposes of enforcing any provision of this Consent Judgment.

SO ORDERED

Dated: 1/17/06


Freda L. Wolfson, U.S.D.J.

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(732) 761-1610

By: 

Lawrence D. Mandel (LM 9205)

AMEYA PREMAL USA INC.

By: 

Name: PREMAL P. PAREKH

Title: V.P.

By: 

Premal P. Parekh

By: 

Reshma P. Parekh